# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC., et al...

Defendants.

TOUCHSTREAM TECHNOLOGIES, INC., Plaintiff,

v.

COMCAST CABLE COMMUNICATIONS, LLC, d/b/a XFINITY, et al.,

Defendants.

Lead Case No. 2:23-cv-00059-JRG Member Case No. 2:23-cv-00062-JRG

### JOINT MOTION TO AMEND FIRST AMENDED DOCKET CONTROL ORDER

Plaintiff Touchstream Technologies, Inc., Defendants Charter Communications, Inc., et al., and Defendants Comcast Cable Communications, LLC, et al. (collectively, the "parties") respectfully request that the Court grant this joint motion to modify certain deadlines set forth in the Court's May 31, 2024 First Amended Docket Control Order (Dkt. No. 61) (hereinafter "Docket Control Order") for the reasons set forth below.

The parties believe that certain modifications to the pretrial-disclosure schedule will streamline the exchange of disclosures and ensure that the parties have sufficient time to meet and confer in advance of the September 18 deadline to file the joint pretrial order and various pretrial materials with the Court. None of these modifications will affect any filing deadlines. Instead, the proposed modifications solely concern interim service and meet-and-confer deadlines between the parties.



The parties thus propose the following amendments to the Docket Control Order:

Event	<b>Current Deadline</b>	<b>Proposed Date</b>
Serve Witness Lists on All Issues	n/a	August 12, 2024
(Irrespective of Burden of Proof)		
*Response to Dispositive Motions	August 19, 2024	Unchanged
Serve Pretrial Disclosures (Witness List,	August 22, 2024	n/a (replaced by
Deposition Designations, and Exhibit List) by		first event above
the Party with the Burden of Proof		and next event)
Serve Affirmative Deposition Designations	n/a	August 22, 2024
and Exhibit Lists on All Issues (Irrespective		
of Burden of Proof)		
Parties to Meet and Confer on Motions in	n/a	August 23, 2024
Limine		
Serve Objections to Pretrial Disclosures; and	August 26, 2024	n/a (replaced by
Serve Rebuttal Pretrial Disclosures		next event)
Serve Objections to Witness Lists, Exhibit	n/a	September 3, 2024
Lists, and Affirmative Deposition		
Designations, including Counter-Designations		
Serve Objections to Rebuttal Pretrial	September 3, 2024	n/a (no rebuttal
<u>Disclosures</u>		pretrial disclosures)
File Motions in Limine	September 3, 2024	Unchanged
*File Notice of Request for Daily Transcript	September 9, 2024	Unchanged
or Real Time Reporting		
Serve Objections to Counter-Designations	n/a	September 11, 2024
*File Joint Pretrial Order, Joint Proposed Jury	September 18, 2024	Unchanged
Instructions, Joint Proposed Verdict Form,		
Responses to Motions in Limine, Updated		
Exhibit Lists, Updated Witness Lists, and		
Updated Deposition Designations		
*Notify Court of Agreements Reached During	September 18, 2024	Unchanged
Meet and Confer		
*If a juror questionnaire is to be used, an	September 30, 2024	Unchanged
editable (in Microsoft Word format)		
questionnaire shall be jointly submitted to the		
Deputy Clerk in Charge by this date		
*Pretrial Conference	October 2, 2024	Unchanged
*Plaintiff to disclose final election of	10 days before Jury	Unchanged
Asserted Claims	Selection	
*Defendant to disclose final invalidity	7 days before Jury	Unchanged
theories, final prior art references/	Selection	
combinations, and final equitable defenses		
*Jury Selection	October 28, 2024	Unchanged



Because the above modifications will streamline the exchange of pretrial disclosures, minimize disputes, and not affect any filing deadlines with the Court, the parties respectfully request that the Court amend the Docket Control Order as set forth above.

Dated: August 9, 2024 Respectfully submitted,

### /s/ Mark Schafer

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#### /s/ David J. Lisson

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Counsel for Charter Defendants

# **CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and that this is a joint motion.

/s/ David J. Lisson
David J. Lisson

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document is being served through CM/ECF on August 9, 2024.

/s/ David J. Lisson
David J. Lisson

